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ON PETITION

In re Application of  
Yoshikazu Okada, et. al.  
Application No. 10/810,491  
Filed: March 26, 2004  
Attorney Docket No. 20154/0201085-US0

This is a decision on the petition under 37 CFR 1.137(b), filed September 19, 2006, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment. The delay in responding is regretted.

The petition is **GRANTED**.

The record shows that a Notice of Appeal was filed on December 23, 2005. However, a Pre-Brief Appeal Conference Decision was mailed on March 20, 2006, which reset the time frame to be one month from the mailing of the decision or the balance of the two-month time limit from the receipt date of the notice of appeal, whichever was greater. Since petitioner could obtain an extension of time up to five months, the due date for the reply to the Pre-Brief Appeal Conference decision was due on September 20, 2006. Therefore, this application was held abandoned prematurely.

In view of the above, the holding of abandonment is hereby withdrawn and the Notice of Abandonment is hereby vacated.

It is acknowledged that petitioner submitted a Request for Continued Examination (RCE) under 37 CFR 1.114 on September 19, 2006. Therefore, the application file is being referred to Technology Center Art Unit 1742 for further processing.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3226.

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